

1 GILBERT R. SEROTA (No. 75305)
Email: gserota@howardrice.com
2 JEREMY T. KAMRAS (No. 237377)
Email: jkamras@howardrice.com
3 HOWARD RICE NEMEROVSKI CANADY
FALK & RABKIN
4 A Professional Corporation
Three Embarcadero Center, 7th Floor
5 San Francisco, California 94111-4024
Telephone: 415/434-1600
6 Facsimile: 415/217-5910

7 Attorneys for Plaintiffs and Cross-Defendants
PETER FORTENBAUGH and BETTY LEE,
8 in their capacity as Trustees of THE PETER
FORTENBAUGH TRUST
9

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 PETER FORTENBAUGH and BETTY LEE,
in their capacity as Trustees of THE PETER
14 FORTENBAUGH TRUST, a California
Trust,
15

16 Plaintiffs,

17 v.

18 CLASSICSTAR FINANCIAL SERVICES,
INC., and DOES 1 through 30, inclusive,
19

20 Defendants.

21 FIRST SOURCE WYOMING, INC., a
Delaware Corporation,
22

23 Cross-Complainant,

24 v.

25 PETER FORTENBAUGH and BETTY LEE,
in their capacity as Trustees of THE PETER
FORTENBAUGH TRUST, a California
Trust, and ROES 1 through 30, inclusive,
26

27 Respondent.
28

No. C 08 03898 PVT

Action Removed: August 14, 2008

DECLINATION TO PROCEED BEFORE
A MAGISTRATE JUDGE AND
REQUEST FOR REASSIGNMENT TO A
UNITED STATES DISTRICT JUDGE

REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

Pursuant to Civ. L.R. 73-1(a)(1), and without conceding the propriety of Defendant's removal petition, the undersigned party hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

DATED: August 26, 2008.

Respectfully submitted,

GILBERT R. SEROTA
JEREMY T. KAMRAS
HOWARD RICE NEMEROVSKI CANADY
FALK & RABKIN
A Professional Corporation

By: _____/s/_____
GILBERT R. SEROTA

Attorneys for Plaintiffs and Cross-Defendants
PETER FORTENBAUGH and BETTY LEE,
in their capacity as Trustees of THE PETER
FORTENBAUGH TRUST

HOWARD
RICE
NEMEROVSKI
CANADY
FALK
& RABKIN
A Professional Corporation